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SUBMISSION

of the

INTERNATIONAL UNION OF MINE, MILL & SMELTER WORKERS (CANADA)

to the

COMMISSIONER, HONOURABLE G. A. MCGILLVRAY

appointed by the

GOVERNMENT OF THE PROVINCE OF ONTARIO

to inquire into and report upon, and to make
recommendations regarding the

W O R K M E N ' S C O M P E N S A T I O N A C T

other than the detail administration of the Act

August 1966

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CONCLUSION

Honourable Sir:

The International Union of Mine, Mill and Smelter Workers (Canada) welcomes this opportunity to appear before you to present our views and recommendations regarding changes to the existing Workmen's Compensation Act.

Our Union, more often referred to as "Mine Mill", was founded in 1893 and has represented Canadian workers engaged in the mining, smelting, refining and related industries since before the turn of the present century. Since 1955, we have enjoyed a unique position in the Canadian Trade Union Movement. In that year, by harmonious agreement with our International Officers, subsequently confirmed by referendum vote, we achieved complete Canadian Autonomy, providing for a Canadian Constitution and election by secret referendum vote, of a Canadian Executive Board.

At our regular conventions, we formulate Canadian Policy and programmes, designed to meet the requirements of problems as they arise in Canada. In short, we are masters in our own house, free to run our affairs without interference or domination from any outside source. Nonetheless, we maintain a warm fraternal relationship with our U.S. counterparts based upon equality and the mutual respect for the independence and freedom of action required to meet the varied problems as they peculiarly apply in our separate countries.

We take pride in the fact that our Union made an effective contribution to the enactment of the first Compensation Act in

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Canada, which was accomplished in the Province of Ontario in 1914. Since that time, we have made our submissions before many Royal Commissions convened in the various provinces to inquire into their Compensation Acts. In many instances, the substance of our suggestions and recommendations have been favourably received and incorporated into the Acts, more particularly in Ontario and British Columbia.

In our regularly held conventions, the matters of Workmen's Compensation, Industrial Disease, and Accident Prevention hold a high place on our agendas. This is understandably so, since the workers we represent more than often work in unnatural environments, where the hazards of arduous labour, dust, smoke, extremes of temperature and the use of high explosives are commonplace.

We appear before you, Mr. Commissioner, when our Province is in the throes of its greatest industrial expansion, when sweeping Legislative changes are burgeoning to meet the challenges of the automated space age. We sincerely trust our Submission may be of assistance in the complex, serious deliberation and judgements you will make.

PRE-EXISTING CONDITIONS

Many vexing problems in the adjudication of claims turn upon the Board's practice in estimating the nature and degree of an injury aggravated by a pre-existing condition. The Report of the Honourable Mr. Justice Roach dated May 31, 1950 graphically illustrates the principled position of this Union in this regard, when he states on page 46 of his report:

"INJURIES AGGRAVATED BY A PRE-EXISTING PHYSICAL CONDITION

Illustration: A workman suffering from diabetes may suffer a very minor injury to a toe due to a weight falling on it. His diabetic condition aggravates that injury and it becomes so serious that the whole foot has to be amputated.

The Board informed me that in the case illustrated, it would consider the loss of the foot as having been partly caused by the pre-existing diabetic condition and would award to the workman only fifty per cent of the amount which would normally be awarded to him for the loss of a foot.

In my opinion, such a policy is not authorized by the Act.

Section 2(1) provides that compensation shall be awarded for injury caused by accident. In the case illustrated, the loss of the foot was not caused by the diabetic condition within the meaning of those words in the section. It is true that without the previously existing diabetic condition, the workman would not have lost his foot, but the

real and effective cause of the ultimate injury was the weight falling on the toe, and not the diabetic condition.

All workmen are entitled to the full protection of the Act without any discrimination based on their physical condition. One or two illustrations will show why this must be so.

Two workmen are struck on the head by a falling object. One suffers a fracture of the skull, the other does not. The one who was injured was found to have a thin skull. Obviously, he should not be penalized on that account.

The workman with the abnormally sensitive skin is incapacitated by hot water and soda used to wash crockery. The Court of Appeal in England in the case of Dotzaner v. Strand Palace Hotel Ltd. (1910) 3 Burroughs Workmen's Compensation Cases, page 387, held that was an accident and the workman should not be penalized because he had tender skin.

The result is no different where the workman is suffering from a pre-existing disease. If the injury aggravates the disease to the point where the workman is incapacitated, he is nonetheless entitled to be fully compensated. In Lloyd v. Sugg & Co. (1909) 1 K.B. 481, the Court of Appeal in England held that a workman who suffered an injury to his forearm, which was aggravated by a pre-existing gouty condition, was nonetheless entitled to compensation and that the pre-existing gouty condition was immaterial in determining

the amount of the award.

To insure that section 2(1) shall be given its proper application, I recommend that the following be added as subsection 5 of section 2:

(5) Where an accident causes any injury to a workman and that injury is aggravated by some pre-existing physical condition inherent in the workman at the time of the accident, the workman shall be compensated for the full injurious result save only where the pre-existing physical condition is due to an injury for which the workman is then receiving compensation or was at some earlier date receiving compensation which has been commuted."

The report of the Hon. Gordon McG. Sloan, Chief Justice of British Columbia, relating to the Workmen's Compensation Act and Board, dated February 1952 further buttresses the position of this Union when it states on Pages 87 and 88 under the heading Neurosis:

"NEUROSIS

I understand a neurosis to mean (in short) a functional disease of the nervous system unaccompanied by any demonstrable structural changes. The manifestations thereof range from slight irrational reactions to a deep-seated psychosis disabling in its effect. In compensation administration, it is a condition encountered consequent upon an

accidental injury.

In 1942, after a review of the authorities upon the matter, I said (in part):-

It will be noted from the foregoing authorities that under section 7 of the Act, an incapacitating neurosis occasioned by physical injury or even by shock alone, is deemed to be compensable as a 'personal injury by accident.' There seems to me to be a sound foundation for that opinion (if I may say so, with deference), because in my view, any other conclusion can only be supported on the theory that compensation should be paid to those men who were, before the injury, perfect specimens of humanity, both physically and mentally, and must be refused those who, when employed, suffered hidden weaknesses in their physical and mental make-up, so that for them, the accident was not the direct cause of their incapacity but merely the 'occasion' or the 'exciting' cause of it. Such a theory has no place in compensation law as I understand it.

The benefits of compensation are not limited to the normal man but are available to any man who suffers 'personal injury by accident' within the wide interpretation of which 'accident' is susceptible under the Act.

I can see no distinction in legal principle in interpreting 'accident' between the case of one man suffering from a predisposing cause, physical in its nature, and that of

another predisposed to an incapacitating neurosis because of some latent defect in his personality. Whatever the aetiology of the physical or mental predisposition, the precipitating cause is the accidental injury.

It is my view then, it has been authoritatively decided that disabling neurosis, whether caused directly by the accident, or 'occasioned', 'excited', 'precipitated', or 'contributed to' by the accident, is a personal injury by accident within the meaning of section 7 of the Act and, as such, is compensable."

In a similar vein, the Report of the Honourable W.F.A. Turgeon, P.C., inquiring into the Workmen's Compensation Act of the Province of Manitoba, 1953, has this to say on Pages 66 and 67 of his report:

"Bordering on this kind of case although not wholly assimilable to it, is the condition of the workman who has, by reason of a defective physical condition, a pre-disposition to injury or death arising out of the nature of his employment. An instance of this kind is to be found in the American case of Town of Cicero vs. Industrial Commission (Supreme Court of Illinois (1949) 404 Ill.437, 39 N.E. 2d, 354)

In this case one Miller, lieutenant in the fire department of Cicero, had suffered from heart disease, (chronic myocarditis) for at least five years prior to his death. He had been advised by his physician that he should

quit his job because it was too strenuous for him. On the morning of January 22nd, 1946, a fire occurred at a restaurant near the station where he was on duty. He rushed to the fire by truck, ran into the building and began directing his men in the extinguishment of the fire. Suddenly he fell to the floor, was taken to a hospital and was found to be dead. In disposing of the case, the court said that the rule to be followed, was "that if a workman's existing physical structure, whatever it may be, gives way under the stress of his usual labour, his death is an accident which arises out of his employment.

The English decisions in similar cases are to the same effect: Glover, Clayton & Co., vs. Hughes (1910) A.C. 242; Partridge Jones and John Paton Ltd., vs. James (H.L.) A.C. (1933) 501. In the first of these two cases, the facts are said to be these:

A workman who was suffering from a serious aneurism, was employed on tightening a nut by a spanner when he fell down dead. The County court judge found the death was caused by a strain arising out of the ordinary work of the deceased operating upon a condition of body which was such as to render the strain fatal, and this House ---Lord Atkinson and Lord Shaw dissenting --- held that it was a case of personal injury by accident arising out of and in the course of the employment."

The complete unanimity of opinion expressed by the eminent Jurists lends strong support to our Submission that the recommendation of Justice Roach previously referred to be incorporated in Section 3 of the Act.

WAITING PERIOD - Section 3 (a)

The present provisions of the Act do not provide for benefit payment arising out of personal injury by accident for the first three days of disability. In our view, no workman should suffer earnings loss occasioned by such injury. We therefore, recommend the elimination of the three day waiting period.

CASUAL LABOUR - Section 3 (4)

Presently, workmen whose employment is of a casual nature are excluded from the provisions of Part 1. We feel that such exclusion is unjustified and places a heavy financial burden upon a workman so employed, in taking the matter to the courts to obtain redress for loss in earnings occasioned by job injury. We therefore, recommend that this exclusion be deleted from the Act.

DEATH BENEFIT - Section 37

XX It is our opinion that the schedule of benefits presently paid in the case of the death of a workman arising out of an accident in his employment is totally inadequate to meet even a bare subsistence level. While it is true

average earnings
would include
overtime

depending on size of family

Cost of compensation is passed on to
the consumer - not borne
entirely by employer

Cost of compensation also charge
to employees - through fringe
benefits

deductions for compensation
is taken off before taxes are
computed

Actual cost to employer
public, worker & consumer

that no monetary payment can compensate for the loss of a parent, we submit that the stability of the family and the maintenance of the standard of living prevailing at the time of death is completely justified. We, therefore, recommend that where the household is maintained, that the widow, or an invalid husband, or the foster mother, as the case may be, should be paid 100 per centum of earnings prevailing at the time of death.

rather than \$75'

Where the dependents are children and the household is not maintained, a payment of \$75.00 per month to each child, until such child's education is completed.

at present only \$40

BURIAL EXPENSE - Section 37

The present burial expense is set at \$300.00. Based upon such information that we have elicited, we recommend that this amount be increased to \$500.00.

only pin box for this
\$450 is over \$500 for most economical funeral

PAYMENT OF LUMP SUM - Section 37

Presently, the Act provides for the payment of a lump sum of \$300.00 to the widow and/or foster mother, as the case may be. In order to insure family stability and the security of the household in the immediate months ahead, we recommend such lump sum be increased to \$1000.00.

COMPUTATION OF DISABILITY PAYMENTS - Sections 40, 40 (A), 41, 42 and 44.

The present provisions provide for the computation of

45%

that no monetary payment was compensated for the loss of a parent, we submit that the stability of the family and the maintenance of the standard of living prevailing at the time of the death of the parent are of great importance. Today many make more than today's limit of \$6,000. If there should be a ceiling should be much higher. Know people in mining industry who make \$500,000 and \$1,000,000.

BURIAL EXPENSE - Section 37

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Not a wide practice

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COMPUTATION OF DISABILITY PAYMENTS - Sections 40, 41 (A), 42 and 44.

The present provisions provide for the computation of

*In part seeking pattern to
avoid litigation
as to what is your
rate*

temporary total disability, temporary partial disability, and permanent disability benefits on the basis of 75% of average weekly earnings, not to exceed a limit of \$6,000 per annum. We are of the opinion that such limitations work a financial hardship with a resulting deterioration in living standards. We therefore, recommend computation of benefit payments be based on 100% of earnings loss, and that such basis of computation apply to all present recipients of permanent disability payments.

LIGHT DUTY

We have encountered a number of problems relating to injured workmen who are assigned to light duty employment by their employer. In some instances, undue pressure is applied by employers or their supervisory representatives to prevent workmen from reporting lost time accidents by directing them to "light duty work". In many instances, such light duty consists of sitting around in lunchrooms, restrooms, or drys. At some future date, it is found that the injury is of a disabling nature. Since the accident quite often is not reported and adequate medical attention has not been obtained, many such workmen experience difficulties in establishing their entitlement under the provisions of the Act.

Without commenting on the long range benefits, if any,

With some employees it is
easy to arrange light duty work

When Dr says man is physically
capable of doing light work - it
prevents if refuses - out off.
Want him to be allowed full
compensation where light work
not available

Yes Medical condition should be put on
record

"Yes"

which accrue to an employer under the present assessment and merit rating provisions of the Act, because of this so-called light duty device, we submit that such actions by employers and/or their representatives are in violation of the basic principles upon which the Act was founded. While the employer may maintain the workmen's wages under these circumstances, we submit such undue pressure is inconsistent with Section 17 of the Act.

We recommend therefore, that the Act be so amended to provide that an injured workman be assigned to light duty employment only when so directed by a duly-qualified medical practitioner, and when such practitioner clearly sets forth the efficiency range of the injured workman.

Quite often, another vexatious problem is encountered when a workman is directed to return to work by his physician with a light duty designation and no light work is available. Under these conditions, more than often, the workman's benefit payments are reduced in accordance with the Board's estimate of what he is physically capable of earning. While we recognize the validity of light duty employment in rehabilitating an injured workman, we consider it a gross injustice that a workman should suffer monetary loss because there is no light duty available. We recommend therefore, that in these circumstances, 100% benefits be restored, pending return of the injured workman to suitable employment with his employer.

JOB PROTECTION

Presently, many injured workmen enjoy job protection provided by the terms of the collective agreement existing between their employer and their certified bargaining agency. Where no collective agreement is in force, many employers feel morally obligated to retain an injured workman's job and to co-operate in the rehabilitation of an injured workman. There are, however, employers who have no compunction in terminating an injured workman's employment whether the injury be of a minor or major character. Such workmen, in many instances, suffer considerable financial loss. Fringe benefits such as medical, hospital and insurance benefits, which form part of the conditions of his employment, and which may have been paid in whole or in part by the employer, may cease with the termination of his employment. The nature of his disability may be such that he will experience difficulties in obtaining new employment. Under these conditions an injured workman and his family suffer undue hardship, strain and worries, which in some instances, provides fertile ground for disabling neuroses that greatly impede the rehabilitation of the injured workman.

We submit therefore, that the Workmen's Compensation Act be amended to provide that no employer may under any circumstances, discharge an employee whilst the employee is on compensation by reason of an industrial accident.

SILICOSIS

This Union, by convention action, unanimously endorsed the recommendations of the Committee on Silicosis, appointed by the Associated Compensation Boards of Canada. Such recommendations were made in 1961, and are set forth hereunder.

RECOMMENDATIONS OF SILICOSIS COMMITTEE

1. A minimum exposure period of two years.
2. That there be no time limitation for filing of claim.
3. That all present limiting clauses as to residence should be abolished.
4. That adequate work records of all miners be kept and all such records be filed with the appropriate Department of Mines should a particular mine cease to operate.
5. That adequate pre-employment chest examination, including x-ray, should be established.
6. That each employee should have an adequate annual re-examination.
7. That there should be periodic dust counts and adequate control measures.
8. That authority under the respective Acts be given to each Board to make agreements with each other with respect to claims where there has been exposure in more than one Province.

The adoption by all provinces of these recommendations will remove many of the difficulties experienced by workmen in the Canadian mining and metallurgical industry, in establishing their just entitlement to benefits arising out of silicotic disability. We wish to emphasize that the lack of reciprocal arrangements as recommended by the Silicosis Committee is a serious barrier in establishing entitlement for many workmen who follow their vocations in the mining and metallurgical industry and who move very frequently from province to province quite often for the same employer. Such employment mobility is very common in the Diamond Drilling and Shaft sinking aspects of the industry. We are aware, Mr. Commissioner, that the adoption of these recommendations still provide limitations with regard to the period of exposure, but we note that the Board has broad discretionary powers in Subsection (3) and (4) of Section 72 to deal with silicotic claims in special circumstances where a minimum exposure of less than two years may apply. We strongly urge, Mr. Commissioner, that you concur in the aforementioned recommendations.

EMPHYSMA AND BRONCHITIS

We recommend these conditions also be added to the Schedule of Industrial Diseases. Recent studies indicate that amongst workers with x-ray findings of silicosis, there is an incidence of Bronchitis double that of fellow workers,

(See the Report McIntyre Research Foundation Conference 1963, Page 24.) In a paper presented by G. W. H. Schepers, M.D., D.Sc. at the Eighth Conference of the McIntyre Research Foundation, October 1956, on page 16 it is stated "For every welder with mere ferrous pigmentation of his lungs, there may be another with associated pulmonary emphysema." On page 27 of the same report, the following significant statement is made: "The problem is entirely different when emphysema manifests itself at an early stage in the pneumoconioses or even before there are signs of the lung changes commonly admitted to be ascribable to the injurious action of the inhaled dust. For long the latter forms of emphysema have been rejected as non-occupational, coincidental occurrences. Some may be idiopathic disorders. The growing evidence furnished by laboratory experimentation favors the concept that most emphysematous states in workers in dusty occupations are of pneumoconiotic origin. Experiments on the effect of arc welding, hematite dust, bituminous coal dust, oil smoke, chert dust, beryllium and rare earth fluoride dust (Schepers 14, 17, 22, 34, 35, 43, 44, 45) have brought to light that dust-caused emphysema, either hypertrophic or focal or both, may precede the focal accumulation of inhaled particulate matter."

RHEUMATISM AND ARTHRITIS

We strongly urge the inclusion of these two conditions

in the schedule of Industrial Diseases. We submit that workers generally, in the industries covered by our jurisdiction and in particular in underground operations are subject to continuous repetitive stress, exposed daily to wetness, cold and draughts, and wide variants in temperature, conditions that are generally recognized as precipitating causes of these two conditions.

BLANKET COVERAGE FOR ALL INDUSTRIAL DISEASES - Section 116

We recommend that the Act be amended to provide for compensation for any diseases or disabling conditions caused directly or indirectly by the nature of the employment and further that the removal of residence qualifications, time limits, etc., previously referred to in the section dealing with Silicosis, apply to this recommendation.

In this connection, we submit for your consideration a copy of our Submission to the Turgeon Commission, Manitoba, 1957, Page 11 through to page 54, containing a paper read before the Eighth Conference of the McIntyre Research Foundation, Toronto Ontario, October 1956. In particular, the sections dealing with Etiology, Pathogenesis, and Sequelae reveal a broad spectrum of industrially related pulmonary diseases occasioned by dust exposure, fumes and gases.

ACCIDENT PREVENTION

For many years, this Union, and indeed the trade union movement in general has advocated that the problem of

accident prevention was the joint concern of management, employees, and their representatives. We consider the prevention of accidents as vitally necessary as the provision of compensation for injuries sustained, since it is the workmen who are victims of industrial accidents and their families who must bear the worries and stress, financial and otherwise, particularly when death results. It is completely illogical that management be solely responsible for accident prevention. Mr. Justice Roach, in his report of May 1950, in part made these significant statements on pages 90, 91, 92 and 95.

"During the public hearings before me, the whole subject of accident prevention was thoroughly discussed. The system as authorized by the Act and as it is functioning throughout the Province was severely criticized by the representatives of labour. Certain representatives of management just as vigorously sought to defend the system and the manner in which it operates. Other representatives of management while endorsing the system, complained that it was not functioning properly for various reasons to which I will shortly refer.

Labour's criticism was as follows:

1. The workmen are the victims of accidents in industry and yet they have no voice or representation in the associations whose work is the prevention of accidents.

2. The associations may prescribe rules for accident prevention but there is no means of enforcing compliance with those rules and frequently, those rules are not observed.
3. Because of the failure by certain employers to observe such rules as the associations may prescribe and because of the absence of other safety regulations which should be in force and observed, workmen continue to be the victims of accidents which could be prevented and are powerless to prevent them.

Labour submitted that the Act should be amended so as to bring the whole subject of accident prevention under the direct jurisdiction of the Board, the same as it is in the provinces of British Columbia and Alberta.

The prevention of accidents in industry is a subject of no less importance than is compensation for injuries sustained as a result of such accidents. It is infinitely more important that, where possible, an accident should be prevented than that it should be permitted to occur and the victim be compensated. It is therefore appropriate that an Act which provides compensation to the victims of industrial accidents should contain provisions dealing with prevention of such accidents.

In my respectful opinion the present provisions of the act dealing with accident prevention are not adequate and

need revision.

Since accident prevention is of common interest to both employers and workmen, it would seem logical that they should both actively participate in any organized system the purpose of which is to lessen industrial accidents. As between the two groups, it seems to me that the workmen are much more vitally interested than the employers. If a workman is maimed in an industry, the employer has to pay the compensation but no monetary allowance can ever adequately compensate a workman who has to go through the balance of his life minus an eye, or a hand, or some other member.

My first criticism of the present system is that it does not provide any means which will ensure the active participation of labour in the work of accident prevention.

In my respectful opinion any completely organized system of accident prevention requires as part thereof committees of employers and workmen at plant level. Specific duties should be laid down for those committees and they should be required to report periodically to the Board. If the Board is in receipt of such reports, it will be in a position to gauge the effectiveness of the work of the associations. The Board under the British Columbia Act has passed a regulation requiring the setting up of such committees and informed me that it has found them very effective in the work of accident prevention.

In order to ensure the creation of accident prevention committees at plant level, I recommend that the Board should pass a regulation under section 116b(1) (c) as follows:

The management of every operation in which twenty or more workmen are employed shall maintain an accident prevention committee consisting of not more than twelve members nor less than four members. Members of the committees shall be designated in equal numbers by the workmen and by the employers. Workmen representatives shall be regular employees in the operation, with at least one year's experience in that type of operation over which their inspection duties shall extend."

We submit, Mr. Commissioner, that the aforementioned quotes sharply focus the urgency required to implement the recommendations contained in the accident prevention section of the Roach Report.

We submit that these recommendations are as valid, indeed are of greater validity and urgency today than at the time of the report, particularly when one takes into account the vast expansion of industrial employment in our Province since that time. We urgently request that you recommend the implementation of these findings.

ACCESS TO THE BOARD'S FILES

When a workman, in accordance with the Board's practice and procedures has appealed to the Review Committee for reconsideration of the rejection of his claim at the Claims Department level, and the Review Committee confirms the rejection, the Committee, upon request, provides a summary of information upon which the Review Committee bases its decision. Subsequently, the workman may request a hearing before the Appeal Tribunal to appeal the Review Committee decision. We have found the Appeal Tribunal Procedure, as a fact-finding body, a progressive advance in procedure, expediting equitable adjudication. However, the Board's practice provides only limited access to the medical and non-medical facts contained in the Board's file on the claimant; such limited access is provided in the Summary of Information. The Board's authority in this regard is set forth in Section 97 of the Act. The Board's General Jurisdiction and Specific Authority, which is not open to question and review in any Court, is set forth in Section 72; subsection 4 states "the decisions of the Board shall be upon the real merits and justice of the case..." The Union submits that full access to all facts in the Board's files, relevant to a Claimant's hearing at the Appeal Tribunal is the best guarantee that the principles referred to in Subsection 4 may be best applied to the satisfaction of all concerned.

In making this recommendation, Mr. Commissioner, we wish it clearly understood that we do not, in any way, impugn the integrity of any member or officer of the Board. On the contrary, we believe our recommendation would remove, as far as is humanly possible, any criticism of conscious or unconscious weighting of the facts contained in the Summary of Information.

REGULAR COMMISSIONS OF INQUIRY

We recommend that the Workmen's Compensation Act be amended to provide that a Royal Commission of Inquiry be appointed every five years. It is now some 17 years since the last inquiry in 1949, followed by the report of the Honourable Mr. Justice Roach on May 31, 1950. It is true that by Acts of the Legislature, amendments to the Act have been made, that in some measure, great or small, have taken into account the changing conditions, economic and otherwise, that have taken place since the last inquiry.

However, the greatly accelerated rate of technological change we are presently experiencing on the road to an automated society, engenders new problems requiring new solutions that can only be satisfactorily achieved by a more frequent review of the rapidly changing circumstances which require amendments to the Act to take these changes into account.

We strongly urge, Mr. Commissioner, that you recommend accordingly.

IN CONCLUSION

May we at this time express our appreciation for this opportunity to present our Brief and to thank you for your consideration of the matters we have raised.

In considering the various recommendations we have made, we note that the advances in social thinking and medical science, as reflected in the amendments to the Act, have profoundly affected the Board's practice and procedures, since the enactment of the Ontario Workmen's Compensation Act, following the report of Sir William Meredith in 1913.

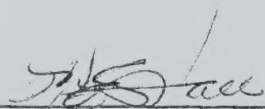
In recent years, the broader interpretation of the meaning of accident in Section 3; the re-organization and streamlining of the Board's administration, as exemplified in the new Review Committee and Appeal Tribunal procedures, have greatly facilitated speedy claims adjudication and have removed many barriers to successful claims establishment, arising out of past strict literal interpretations of the wording of the various sections of the Act. We consider the breaking of new ground in this regard a tribute to our Legislative Assembly who have enacted legislative amendments in concert with our time, and to the Board's administration, who have not hesitated to break with past traditional concepts in the application of the new legislation enacted.

If at times our representations appear not to be within the precise legal framework of the Act, we have not

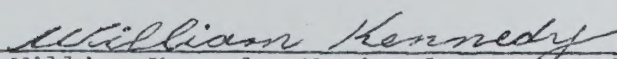
made them lightly, but only after a great deal of thought and careful thinking in arriving at solutions to the many problems facing an injured workman and his family. The scope of our Union in the Province of Ontario encompasses collective agreements with some 60 employers covering a wide diversity of basic and service industries. Our Brief then, Mr. Commissioner, is the expression of the collective thinking of our Local Unions and Auxiliaries in the Province of Ontario, based on practical day to day experience in dealing with compensation claims over these many years, developed and approved at our regularly held conventions

May we convey to you our sincere appreciation for the unfailing co-operation and assistance afforded us by all levels of the Board's staff. We wish to thank you, Honourable Sir, for the courtesy and attention you have given to the presentation of this Brief. Please express our appreciation to the Counsel, Clerk and Staff of this Commission in consideration of their efforts thereto.

The International Union of Mine, Mill
& Smelter Workers, on its own behalf,
and on behalf of all Local Unions in
the Province of Ontario



William E. Hall, Compensation Officer,
I U M M & S W, Dist. 2



William Kennedy, National Board Member,
I U M M & S W, Dist. 2

E X H I B I T S

- 1 REPORT OF THE HONOURABLE MR. JUSTICE ROACH,
May 31, 1950
- 2 REPORT OF THE HONOURABLE GORDON McG. SLOAN,
February 1952
- 3 REPORT OF THE HONOURABLE W. F. A. TURGEON, P.C.
1958
- 4 REPORT OF THE McINTYRE RESEARCH FOUNDATION
CONFERENCE, 1963
- 5 SUBMISSION OF THE INTERNATIONAL UNION OF MINE,
MILL AND SMELTER WORKERS TO THE TURGEON COM-
MISSION, Pages 11 to 54, December 1957

